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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/479,952	01/10/2000	CHARLES I. COOK	USW#1677	3729

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EXAMINER

DUONG, DUC T

ART UNIT PAPER NUMBER

2663

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/479,952

Applicant(s)

COOK ET AL.

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-18 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,8-15,17 and 22-30 is/are rejected.
- 7) ☒ Claim(s) 2,4,6,7,16,18,20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 8, 10-13, 15, 17, 22, 24-27, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Fernandez et al (U.S. Patent 5,740,532).

Regarding to claims 1 and 15, Fernandez discloses a system 108 (Fig. 1) for generating real-time announcements in a digital packet-based telecommunications network wherein data is transferred from a source to a destination in packets for receipt by the destination, and wherein the packets include a header containing address and sequencing information (Fig. 3), the system comprising an announcement server 105 for sensing a predetermined trigger event 200 (Fig. 1-2 col. 3 lines 45-47) and for inserting a priority indicator (emergency code) into the header of a packetized announcement (priority message) indicating high priority for the packetized announcement 204 (Fig. 1-2 col. 3 lines 51-54); a packet-based network 100 in communication with the announcement server for transmitting the packetized announcement with the data for receipt by the destination upon the predetermined trigger event being sensed 208 (Fig. 1-2 col. 4 lines 7-20); and a processing device 104 in communication with the packet-based network for receiving and processing the

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packetized announcement immediately for receipt by the destination in real-time (Fig. 1 col. 2 lines 28-37).

Regarding to claims 3 and 17, Fernandez discloses merging the packetized announcement with the data (Fig. 5 col. 5 lines 18-43).

Regarding to claims 8, 10, 22, and 24, Fernandez discloses the announcement is an audible/synthesized announcement 124 (col. 3 lines 36-42).

Regarding to claims 11-13 and 25-27, Fernandez discloses the announcement 122 is a visual, graphical, or textual announcement (col. 3 lines 36-42).

Regarding claims 29 and 30, Fernandez discloses the processing device is a component of a wireless network or handset (Fig. 1 col. 2 lines 3-10).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 14, 23, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez in view of Boltz et al (U.S. Patent 6,246,889 B1).

Regarding to claims 9, and 23, Fernandez discloses all the limitation with respect to claims 8 and 22, except for the announcement is a pre-recorded voice announcement (claims 9 and 23) and vibratory signal (claims 14 and 28). However, Boltz discloses a telecommunication system comprising an announcement module 204 containing pre-recorded message (Fig. 2 col. 4 lines 52-53). Thus, it would have been obvious to a

person of ordinary skill in the art to employ the pre-recorded announcements as taught by Boltz in Fernandez's system to allow messages to reach an individual even when the individual is not available to response to the message.

Regarding to claims 14 and 28, Fernandez discloses all the limitation with respect to claims 1 and 15, except for the announcement is a vibratory announcement. However, Boltz discloses a telecommunication system comprising a controller 303 for generating an alert signal that causes the mobile device to vibrate (Fig. 3 col. 5 lines 30-35). Thus, it would have been obvious to a person of ordinary skill in the art to include vibratory announcement as taught by Boltz in Fernandez's system to notify user of incoming call in such selected environment, wherein noise is not desired.

Allowable Subject Matter

5. Claims 2, 4, 6, 7, 16, 18, 20, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed June 10, 2004 have been fully considered but they are not persuasive.

Regarding to Applicant's argument on page 8 with respect to claims 1 and 15, Fernandez fails to teach for "transmitting the packetized announcement with the data for receipt by the destination upon sensing the predetermined trigger event". In reply, Fernandez discloses upon determining a message needs to be sent 204 (Fig. 4 col. 3 lines 45-47; sensing a predetermined trigger event), inserts an emergency code to the

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message indicating an urgent message 204 (Fig. 4 col. 3 lines 51-54); and transmits the emergency code (packetized announcement) along with the message (data) to the destination 208 (Fig. 4 col. 4 lines 17-20).

Regarding to Applicant's argument on pages 9-10 with respect to claims 9, 14, 23, and 28, requiring a cited reference as proof that would provides the necessary motivation or suggestion to modify Fernandez to achieve the Applicant's claimed invention. In Fig. 1, Ferandez discloses an RF communication system 100 with mobile devices 102 and 104 configured to receive urgent or emergency message (announcement). However, Fernadez fails to teach receiving announcement of a pre-recorded announcement or a vibratory signal. To arrange the mobile devices of Fernandez to receive pre-recorded announcement or vibratory signal would have been obvious to a person of one skill in the art, since such arrangement was old and well known in the art and has been widely used in telecommunication systems, such as cellular phones or pagers. Wherein, mobile devices are equips with vibrating alert and text-message capability to receive pre-recorded message as part of the device standard features. Thus, based on the reasons set forth the rejections are maintained.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 703-605-5146. The examiner can normally be reached on M-Th (9:00 AM-6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD



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